

CLAUSE 1, TITLE AND PREAMBLE.

Mr. SPEAKER.—The question is :

“That clause 1, the Title and the Preamble stand part of the Bill.”

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. V. KRISHNAPPA.—I beg to move :

“That the Mysore Tenants (Temporary Protection from Eviction) Bill, 1963, be passed.”

Mr. SPEAKER.—The question is :

“That the Mysore Tenants (Temporary Protection from Eviction) Bill, 1963, be passed.”

The motion was adopted.

MYSORE POLICE BILL, 1962.

Motion to consider.

Sri R. M. PATIL.—(Minister for Home).—I beg to move :

“That the Mysore Police Bill, 1962, be taken into consideration.”

Mr. SPEAKER.—Motion moved :

“That the Mysore Police Bill, 1962, be taken into consideration.”

Sri R. M. PATIL.—Sir, this is a Bill intended to secure uniformity of law in the entire State. Now, there are five differences in force in the five regions of the State and there is no uniformity in administration. The 18 different Acts now in force would be merged into a single piece of legislation. We find many difficulties in interpreting the laws in different areas.

The Bill contains important provisions to prevent gambling and for the constitution of the village police force and the like. Most important of them is the creation of a Police Commissioner for Bangalore and a police force for this city. In addition the system of reserve police in vogue in Bombay area will remain a permanent feature throughout the State.

Coming to the financial commitments, at the time the Bill was introduced we have indicated a certain figure. Unfortunately, the Bill could not be passed then. There is also the question of delegated powers provided for in this Bill.

5-30 P.M.

Regarding Delegated Legislation, Clause 24 empowers the Inspector General of Police to make rules or orders, subject to the orders of the

(SRI R. M. PATIL)

Government, for the administration of the Police. Clause 27 empowers the State Government to prescribe by rules of procedure to be observed in awarding punishment to the Police Officers. Clause 34 empowers the Commissioner and the District Magistrate, in areas under their respective charges, to make, alter, or rescind rules for the preservation of order in public places, etc. Clause 36 empowers a competent authority, *i.e.*, a Commissioner of Police, the District Magistrate, or the Superintendent or the Additional Superintendent or the Assistant or Deputy Superintendent specially empowered by the Government, to make rules prohibiting the disposal of the dead except at places set apart for such purpose. Clause 45 empowers the Commissioner of Police or District Magistrate to prescribe regulations necessary to prevent the outbreak of epidemic diseases or the spread thereof. Clause 133 empowers the State Government to make rules relating to the appointment of the village police. Clause 165 empowers the State Government to make rules in carrying out the purpose of the Bill. The proposed delegation of power is of a normal character.

The salient feature, again I am emphasising, is that Bangalore City Police will be an independent unit having the Commissioner of the grade of Deputy Inspector-General of Police, thereby the 14 lakhs population of Bangalore will be on the map of India along with major Cities like Bombay, Madras and Calcutta, where Commissioners are appointed. This is one of the special features of this Bill.

Now, coming to the Clauses 16, 17, 18, 19, 20, and 21, I may mention, Sir that these are very important clauses for kind consideration of this House, because while considering Clause 16—sub-clause (3) will empower the District Magistrate to frame rules and to pass orders as the Government may make in this behalf. If this Clause is retained, then Clause 17 shall have to be deleted, and Clause 18—‘Power of supervision by District Magistrate’, is likely to create a conflict.

SRI C. J. MUCKANNAPPA.—Who is this District Magistrate?

SRI R. M. PATIL.—So far as old Mysore is concerned, usually the Deputy Commissioner is styled as the District Magistrate.

MR. SPEAKER.—The Hon'ble Member may kindly refer to page 9 Clause 2 ‘Definition’ in the Bill.

SRI R. M. PATIL.—So far as consideration of Clause 19 is concerned, it is a very important clause because it creates a dual control to the Divisional Commissioners to issue directions, which is rather not a happy provision. However, in order to have a uniformity or continuity of authority over the Deputy Commissioner or the District Magistrate, the Divisional Commissioners are given the power. This kind of consideration came while framing this Bill looking to the provisions of the old Bombay Act, whereas in the new Act of 1951 of Bombay, this has not been provided because after considering this, in these days it is not advisable to have two authorities one interfering with the other or one coming into conflict with the other. Clause 20 also refers to the powers of the

Divisional Commissioners to invite the attentions of the Inspector-General of Police to defects in the police administration. Here, the Divisional Commissioner and the Inspector-General of Police are likely to come in conflict. Hence, this is for kind consideration of the House. The Divisional Commissioner may call on the District Magistrate and issue orders thereon. So, I invite the kind attention of the House to give consideration to these 5 provisions and these are the remarks with which I wish to submit Bill for the consideration of the House.

Mr. SPEAKER.—I find from the papers before me that this Bill is likely to be referred to a Select Committee. So, I suggest that those Members, who are likely to be in the Select Committee, may not participate in the debate now and try to give chances to others as much as possible. Should I fix a time limit?

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಇವೊತ್ತು ಸೆರೆಕ್ಟ್ ಕಮಿಟಿ ಸದಸ್ಯರಾಗುವವರು ಇದರ ಬಗ್ಗೆ ಮಾತನಾಡಬೇಡಿ ಎಂದು ಹೇಳುವುದು ನನ್ನ ಅಭಿಪ್ರಾಯದಲ್ಲ ಸರಿಯೆಂದು ಕಾಣುವುದಿಲ್ಲ. ಈ ಮನೂವೆ ಸೆರೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗಲಿ, ಬಿಡಲಿ ಅದು ಬೇರೆ ಮಾತು. ತಾವು ಇದನ್ನೆಲ್ಲಾ ವಿಚಾರ ಮಾಡಿ ಒಂದು full dress Debate ನಂತೆ ಚರ್ಚೆ ನಡೆಸಲು ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟರೆ ಸೆರೆಕ್ಟ್ ಕಮಿಟಿಯವರಿಗೂ ಒಂದು ಮಾರ್ಗದರ್ಶನ ನೀಡಿದಂತಾಗುತ್ತದೆ. ಇದರ ಜೊತೆಗೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳೂ ಸಹ ಅವರ ಮನಸ್ಸಿನಲ್ಲಿ ಧ್ಯಂದ್ಯವಿದೆ ಎಂದು 16, 17, 18ನೇ ಸೆಕ್ಷನ್ನುಗಳನ್ನು ವಿಚಾರ ಮಾಡುವುದು ತುಂಬಾ ಅವಶ್ಯಕ ಎಂದೂ ಹೇಳಿದ್ದಾರೆ. ಅವರೂ ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿಲ್ಲ. ಹೀಗಿಲ್ಲಾ ಇರುವುದರಿಂದ ಯಾರು ಮಾತನಾಡಲು ಇಷ್ಟಪಡುತ್ತಾರೋ ಅವರಿಗಿಲ್ಲಾ ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ನಾನು ತಮ್ಮೆಲ್ಲ ಪ್ರಾರ್ಥನೆ ಮಾಡುತ್ತೇನೆ.

Mr. SPEAKER.—I have heard the Hon'ble Member. Should I fix a time limit for speeches? I am ascertaining the opinion of the House.

Hon'ble MEMBERS.—No.

Mr. SPEAKER.—The time allotted for this Bill is well-known to the Hon'ble Members. So, I am not suggesting anything now.

ಶ್ರೀ ಬಿ. ಎಲ್. ಗೌಡ (ಚಳ್ಳಕೆರೆ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈ ಮೈಸೂರು ಪೊಲೀಸು ಬಿಲ್ಲನ್ನು ಸ್ವಾಗತಿಸುತ್ತಾ ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ಹೇಳಬಯಸುತ್ತೇನೆ. ಇದೊಂದು ಮಹತ್ವವುಳ್ಳ ಮತ್ತು ಉತ್ತಮವಾದ ಮನೂವೆ. ವಿಶಾಲ ಮೈಸೂರು ಆದಮೇಲೆ ವಿವಿಧ ಪ್ರಾಂತಗಳಲ್ಲಿ ಇರತಕ್ಕ ನಾನಾ ವಿಧವಾದ ಕಾನೂನುಗಳನ್ನೆಲ್ಲಾ ತೆಗೆದುಹಾಕಿ ಸರಳವಾದ ವಿಶಾಲವಾದ ಮೈಸೂರಿನ ಎಲ್ಲ ಭಾಗಗಳಿಗೂ ಸಮಗ್ರವಾದಂತಹ ಒಂದು ಕಾನೂನನ್ನು ಆರೋಪಿಸಬೇಡಿ ಇಲ್ಲಿ ತಂದಿದ್ದಾರೆ. ಇದರಿಂದ ನುಮಾರು ಹದಿನೆಂಟು ಕಾನೂನುಗಳನ್ನು ತೆಗೆದುಹಾಕಬೇಕೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

[**Mr. DEPUTY SPEAKER** in the Chair.]

ಇದು ಬಹಳ ಮುಖ್ಯವಾದುದು. ಇಂಥ ಕಾನೂನು ಮೈಸೂರು ರಾಜ್ಯಕ್ಕೆ ಸಮಗ್ರವಾಗಿ ಅನ್ವಯಿಸುವಂತೆ ಇರಬೇಕು. ಈ ಕಾನೂನು ಬಹಳ ಮುಂಚಿತವಾಗಿಯೇ ಬರಬೇಕಾಗಿತ್ತು. Better late than never ಅನ್ನುವ ಹಾಗೆ ಈಗಲಾದರು ತಂದಿದ್ದಾರೆಂದು ಸಂತೋಷಪಡಬೇಕಾಗಿದೆ. ಗೃಹಸಚಿವರು ಈ ಮನೂವೆಯನ್ನು ಮಂಡಿಸುತ್ತಾ ಇದರಲ್ಲಿ ಕೆಲವು ಚರ್ಚಾಸ್ಪದವಾದ ವಿಷಯಗಳಿವೆ, ಅವುಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ವಿಚಾರ ಮಾಡಬೇಕಾಗಿದೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಕಲಮ 18. Power of Supervision by District Magistrates ನ್ನು ಈ ರೀತಿ ಇದೆ.

“18. If the District Magistrate observes any marked incompetence or unfitness for the locality for his particular duties, in any Police Officer subordinate to the Superintendent, he may require

(ಶ್ರೀ ಬಿ. ಎಂ. ಗೌಡ)

the Superintendent, to substitute another officer for any officer whom he has power to transfer and the Superintendent shall be foud to comply with the requisition : "

ಸ್ವಾಮಿ, ಈ ಪ್ರಜಾ ಪ್ರಭುತ್ವದಲ್ಲಿ ಅದರಲ್ಲೂ ನಮ್ಮಲ್ಲಿ ಆಚರಣೆಯಲ್ಲಿರತಕ್ಕಂಥ ಪ್ರಜಾ ಪ್ರಭುತ್ವದಲ್ಲಿ ಆಡಳಿತ ಪಕ್ಷದವರ ಇಂಟರ್‌ಫಿರನ್ಸ್ ಬಹಳವಾಗಿದೆ. ಪೊಲೀಸ ಅಧಿಕಾರಿಗಳು ಜೋಡುಕುಂ ಸರಕಾರಕ್ಕೆ ಒಳಪಡದೆ ಹೋದರೆ ಅಂಥವರನ್ನು ಬೇರೆ ಕಡೆ ಕಳುಹಿಡುತ್ತಾರೆ ಅಥವಾ ತೆಗೆದು ಹಾಕುತ್ತಾರೆ ಆದ್ದರಿಂದ ಈ ತೆಗೆದುಹಾಕುವ ಅಧಿಕಾರ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮೆಜಿಸ್ಟ್ರೇಟರಿಗೆ ಇರಬಾರದು ಈ ಅಧಿಕಾರವನ್ನು ಇನ್‌ಸ್ಪೆಕ್ಟರ್ ಜನರಲ್ ಆಫ್ ಪೊಲೀಸ್ ಅಥವಾ ಡಿವಿಜನಲ್ ಕಮಿಷನರ್ ಅವರಿಗೆ ಕೊಡಬೇಕು ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು 22ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ Special Police Officers ಬಗ್ಗೆ ಈ ರೀತಿ ಹೇಳುತ್ತಾರೆ.

"22. Special Police Officers.—Whenever it shall appear on an application of any Police Officer not below the rank of Sub-Inspector, that any unlawful assembly or riot or disturbance of the peace has taken place or may be reasonably apprehended in any place and that the Police force ordinarily employed in the place is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place, the Commissioner, the Superintendent or any First Class Magistrate, or any other Magistrate specially empowered in this behalf by Government may by a written order signed by himself and sealed with his own seal appoint any able-bodied male person, whom he considers fit and who is between the ages of eighteen and fifty and resident in any neighbourhood to be a Special Police Officer to assist the Police Force, during such time and within such limits as the Commissioner the Superintendent or Magistrate shall deem necessary."

ಎಶೇಷ ಸಂಭಗಗಳಲ್ಲಿ ಸ್ಥಳೀಯ ಜನರನ್ನು Special Police Officer ಎಂಬ ನೇಮಕ ಮಾಡಲು ಅಲ್ಲಿಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಅಧಿಕಾರ ಕೊಡಬೇಕೆಂದು ಇದರಲ್ಲಿ ಹೇಳಿದೆ. ಇಂಥ ಸ್ಪೆಷಲ್ ಆಫೀಸರ್ ನೇಮಕಮಾಡಲು ಖಾಸಗಿ ಜನರಿಂದ ಆರಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಹೆಚ್ಚಿನ ಅಧಿಕಾರ ಕೊಡಲಾಗಿದೆ. ಇಂಥ ಎಶೇಷ ಪರಿಸ್ಥಿತಿ ಎಲ್ಲ ಕಾಲದಲ್ಲಿ ಬರುವುದಿಲ್ಲ ಎಂದು ನಾನು ನಂಬಿದ್ದೇನೆ ಬೆಂಗಳೂರಿನಂಥ ಪಟ್ಟಣದಲ್ಲಿ ಎಶೇಷ ಪರಿಸ್ಥಿತಿ ಉದ್ಭವಿಸಿದರೆ, ಹೆಚ್ಚು ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳ ಅವಶ್ಯಕತೆಯಿದ್ದರೆ ಬಾಕಿ ಕಡೆಯಿಂದ ತರಿಸಿಕೊಳ್ಳಬಹುದು. ಸ್ಥಳೀಯ ಜನರನ್ನು ನೇಮಕಮಾಡುವುದಾದರೆ ಪಾರ್ಟಿಮೋಹಕ್ಕೆ ಒಳಗಾಗುವ ಸಂಭವವಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಸ್ಥಳೀಯ ಖಾಸಗಿ ಜನರನ್ನು ಸ್ಪೆಷಲ್ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳಾಗಿ ನೇಮಕ ಮಾಡಬಾರದು. ತರಬೇತಿ ಕೊಟ್ಟು ರಿಜರ್ವ್ ಪೊಲೀಸ ಇಟ್ಟುಕೊಳ್ಳಬೇಕೆಂದು ಒತ್ತಾಯ ಪೂರ್ವಕ ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು ಸೆಕ್ಷನ್ 23. Appointment of Additional Police ಬಗ್ಗೆ ಇದೆ. ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಗಲಾಟೆ ಆದಮೇಲೆ ಅವಶ್ಯಕತೆಗೆ ಎಶೇಷ ಪೊಲೀಸ ನೇಮಕಮಾಡಬೇಕಾಗುತ್ತದೆ. ಏಕೆಂದರೆ ಜನರಿಗೆ ನಂರಕ್ಷಣೆಕೊಡಬೇಕಾದದ್ದು ಸರಕಾರದ ಮುಖ್ಯ ಮತ್ತು ಅದ್ಯ ಕರ್ತವ್ಯ. ಆದರೆ ಅದನ್ನು ಪರಿಪಾಲನೆ ಮಾಡಲು ಜನರಿಂದ ಹಣ ವಸೂಲ್ಯಾಡುವುದಕ್ಕಾಗಿ ಪ್ರಜಾ ಪ್ರಭುತ್ವದಲ್ಲಿ ಇಂಥ ಒಂದು ಶಾಸನ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳುವುದು ನಾಚಿಕೆಗೇಡು ಆಗುತ್ತದೆ. ಜನರಿಗೆ ರಕ್ಷಣೆ ಕೊಡುವುದು ಬಹಳ ಮುಖ್ಯ ಕರ್ತವ್ಯ. ಆದ್ದರಿಂದ ದುಡ್ಡು ವಸೂಲ್ಯಾಡುವುದಕ್ಕೆ ನಾವು ಒಪ್ಪುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

ಇನ್ನು clause 27. Procedure to be observed in awarding punishment. ಈ ಕ್ಲಾಜು ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟದ್ದಾಗಿದೆ. ಶಿಕ್ಷೆ ವಿಧಿಸುವುದಕ್ಕೆ ಮುಂಚೆ ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶವಿರಬೇಕು. ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ ತೆಗೆದುಕೊಳ್ಳದೆ ಶಿಕ್ಷೆಮಾಡಬಾರದು. ಈ ಒಂದು ಅವಕಾಶ ಕೊಡಬೇಕು. ಈ ಕ್ಲಾಜಿನಲ್ಲಿ ಇದನ್ನು ಸೇರಿಸಬೇಕು ಎಂದು ಹೇಳುತ್ತೇನೆ.

Clause 35.—Competent authority may authorise erection of barriers on streets. Clause 36.—power to make rules prohibiting disposal of the dead except at places set apart.

ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳು ಇಂಥ ಜಾಗದಲ್ಲಿಯೇ ಹೆಣವನ್ನು ಹೊಳಬೇಕು ಅಥವಾ ಸುಡಬೇಕು ಎಂದು ಹೇಳತಕ್ಕದ್ದು ಸರಿಯಲ್ಲ. ಈ ಕೆಲಸ ನೋಡಿಕೊಳ್ಳಲು ಮುನಿಸಿಪಾಲ್ಟಿಗಳಿಲ್ಲವೆ? ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳು ಊರಿನ ಅವಶ್ಯಕತೆಗೆ ಅನುಗುಣವಾಗಿ ಇಂಥ ಸ್ಥಳವನ್ನು ಗೊತ್ತುಮಾಡಿರುತ್ತಾರೆ. ಅದರಿಂದ ಪೌರಸಭೆ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳೊಡನೆ ಸಮಾಲೋಚನೆ ಮಾಡಿ ಅವರ ಅಭಿಪ್ರಾಯ ಪಡೆದು ಇದನ್ನು ಗೊತ್ತು ಮಾಡಬೇಕು. ಈ ಅಧಿಕಾರ ಪೊಲೀಸನ ಅಧಿಕಾರಿಗಳಿಗೆ ಅಷ್ಟೇ ಇರಬಾರದು ಎಂದು ಹೇಳುತ್ತೇನೆ.

Clause 41—Issue of orders for prevention of riot, etc., ಗರಾಜಿಯಾದಾಗ್ಗೆ ಅಲ್ಲಿಯ ಬಿಲ್ಡಿಂಗ್ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅಧಿಕಾರ ಈ ಕ್ಲಾಜಿನಲ್ಲಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ಇದು ಬಹಳ ವಿಶಾಲವಾದ ಅರ್ಥದಲ್ಲಿದೆ. ವಶಪಡಿಸಿಕೊಳ್ಳತಕ್ಕ ಸ್ಥಳ ವಾಸದ ಮನೆಯಾಗಿರಬಹುದು. ಕಾರಣವಿಲ್ಲದೆ ವಶಪಡಿಸಿಕೊಳ್ಳಬಾರದು. ಉನ್ನತಾಧಿಕಾರಿಗಳು ಈ ಕೆಲಸ ಮಾಡಬೇಕು. ಬೆಂಗಳೂರಿನಲ್ಲಿ ಕಮೀಷನರ್ ಅವರು ಈ ಅಧಿಕಾರ ಡೆರಾಯಿಸಬೇಕೆಂದು ಹೇಳಿರುವುದು ಸರಿಯಾಗಿಲ್ಲ. ಬೆಂಗಳೂರಿನಂಥ ದೊಡ್ಡಪಟ್ಟಣದಲ್ಲಿ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಅಪ್ಪಣೆ ಪಡೆದುಕೊಳ್ಳುವುದು ಕಷ್ಟವಾಗುವುದಿಲ್ಲ. ಅದುದರಿಂದ ಈ ಕ್ಲಾಜಿನಲ್ಲಿ ನೂಕು ಬದರಾವಣೆಮಾಡುವುದು ಬಹಳ ಮುಖ್ಯ. ಇಲ್ಲದಿದ್ದರೆ ಪೊಲೀಸನ ಅಧಿಕಾರಿಗಳಿಗೆ ಸ್ಟೇಜ್ಡಿಯಾಗಿ ಅಧಿಕಾರ ನಡೆಸಲು ಅವಕಾಶಮಾಡಿಕೊಟ್ಟಂತಾಗುತ್ತದೆ.

Clause 49.—Employment of Additional Police on application of a person. ಆಗಾಗ್ಗೆ ದಂಗೆ ನಡೆದರೆ ಜನರಿಗೆ ರಕ್ಷಣೆ ಕೊಡುವುದು ಸರಕಾರದ ಕರ್ತವ್ಯ. ಅದರ ತೊಂದರೆಯುಂಟಾದಾಗ್ಗೆ ಹಣ ಪಡೆದು ರಕ್ಷಣೆ ಕೊಡುತ್ತೇವೆಂದು ಹೇಳುವುದು ನಿಜವಾಗಿಯೂ ನಾಚಿಕೆಗೇಡು. ಯಾವುದೇ ರೀತಿಯಿಂದ ರಕ್ಷಣೆ ಕೊಡಲು ಹಣ ವಸೂಲ್ಯಾಡಬಾರದು ಎಂದು ಒತ್ತಾಯಪೂರ್ವಕ ಹೇಳುತ್ತೇನೆ.

57-58-59ನೇ ಸೆಕ್ಷನ್ನುಗಳಲ್ಲಿ ಯಾವಾಗಲೂ ಪಡೆ ಪಡೇ ಯಾರು ಯಾರು ಅಫೆನ್ಸುಗಳನ್ನು, ತಪ್ಪುಗಳನ್ನು ಮಾಡುತ್ತಾರೆಯೋ ಆಂಥ ಗ್ಯಾಂಗುಗಳನ್ನು ಡಿಸ್‌ಪರ್ಸ್‌ಮಾಡಲು ಅಧಿಕಾರವಿದೆ. ಇದು ನ್ಯಾಗತಾರ್ಹ. ಈ ಒಂದು ಕಾನೂನು ಅವಶ್ಯಕವಾಗಿ ಬೇಕಾಗಿದೆ.

77ನೇ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ನಾನ್‌ಕಾಗ್‌ನೈಸಬರ್ ಅಫೆನ್ಸಿನಲ್ಲಿ ಪಾರಂಟ್ ಇಲ್ಲದೆ ಅರೆಸ್ಟ್ ಮಾಡಲು ಪೊಲೀಸನ ಅಫೀಸರಿಗೆ ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ. ಈ ಪ್ರಾವಿಷನ್ ದುರುಪಯೋಗವಾಗಲು ಅವಕಾಶ ವಾಗುತ್ತದೆ. ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರ್ ಕೊಡಿನಲ್ಲಿ ಆಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಪಾರಂಟ್ ಇಲ್ಲದೆ ಅರೆಸ್ಟ್ ಮಾಡಬಹುದೆಂದು ಹೇಳಿದ್ದಾರೆ. ಹೀಗೆ ನಾನ್ ಕಾಗ್‌ನೈಸಬರ್ ಅಫೆನ್ಸುಗಳಲ್ಲಿ ಪಾರಂಟ್ ಇಲ್ಲದೆ ಅರೆಸ್ಟ್ ಮಾಡುವುದನ್ನು ಈ ಮನೂವೆಯಿಂದ ತೆಗೆದುಹಾಕಬೇಕು.

ಗ್ಯಾಂಗ್ ಮತ್ತು ಗೇವಿಂಗಿಗೆ ಪನಿಷ್‌ಮೆಂಟ್‌ಗಳನ್ನು ನೂಟಿಸಿದೆ. ಒಟ್ಟಿನಲ್ಲಿ ನಮ್ಮ ದೇಶ ದಲ್ಲಿ ಸ್ವಲ್ಪ ಶಿಸ್ತು ಬೆಳೆಯುವಂತೆ ಮಾಡಬೇಕಾದರೆ, ಒಂದು ಹೆಚ್ಚಿನ ಮಟ್ಟದ ಶಿಕ್ಷೆ ಅವಶ್ಯಕ. ಹೆಚ್ಚಿನ ಶಿಕ್ಷೆ ಕೊಡದೆ ಹೋದರೆ ನಮ್ಮ ಜನರು ದಾರಿಗೆ ಬರುವುದಿಲ್ಲ. 83 ನೇ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ವಿಧಿಸಿರುವ ಶಿಕ್ಷೆ ಮತ್ತು ದಂಡವನ್ನು ಹೆಚ್ಚಾಗಿ ಮಾಡಬೇಕು. ಈ ಸಲಹೆಯನ್ನು ಜಾಯಿಂಟ್ ಸೆರೆಕ್ಸ್ ಕಮಿಟಿಯಲ್ಲಿ ಪರಿಶೀಲನೆ ಮಾಡಬೇಕು.

94 ರಿಂದ 130 ನೇ ಸೆಕ್ಷಣಗಳವರೆಗೆ ಪೆನಾಲ್ಟಿ ಮತ್ತು ಪನಿಷ್‌ಮೆಂಟ್ ಹೇಳುತ್ತಾರೆ. ಅವುಗಳನ್ನು ಸೆರೆಕ್ಸ್ ಕಮಿಟಿಯವರು ಡಿರೇಕ್ಟರಾಗಿ ನೋಡಬೇಕು.

ಇದರಲ್ಲಿ ಒಂದು ವಿಧೇಯಕ ಬಹಳ ಮುಖ್ಯವಾಗಿರುವುದು ಮತ್ತು ಜನರಿಗೆ ಸಂಬಂಧಪಟ್ಟುದು Village Police. ವಿಲೇಜ್ ಪೊಲೀಸ್ ಆಂದರೆ ಇದರಲ್ಲಿ ಅರ್ಥವಾಗುವುದರಲ್ಲಿ ಪರ್ಜೆ ಒಬ್ಬನ ವಿಷಯ ಬಿಟ್ಟರೆ, ಬೇರೆಯವರ ವಿಚಾರ ಇದರಲ್ಲಿ ಏನೂ ಇಲ್ಲ. ಈ Village Police ನಲ್ಲಿ ಬಾಕಿ ಯಾರುಯಾರಿರುತ್ತಾರೆ, ಅವರನ್ನು ಯಾರು ನೇಮಕಮಾಡುತ್ತಾರೆಂಬುದರಬಗ್ಗೆ ಏನೂ ಹೇಳಿಲ್ಲ. ಈ ಸಂಸ್ಥೆಯ ರಚನೆ (ಕಾನ್ಸಿಟ್ಯೂಷನ್) ವಿಶದೀಕರಿಸಿಲ್ಲ. ಸೆಕ್ಷಣ 5 ರಲ್ಲಿ Police Force ನ್ನು ಸರ್ಕಾರ ರಚನೆಮಾಡುತ್ತದೆಂದು ಹೇಳಿದೆ. ಪೊಲೀಸನ ಪರ್ಜೆಲಿನ ಜೊತೆಗೆ ಇನ್ನು ಯಾರ್ಯಾರನ್ನು ನೇಮಿಸುತ್ತಾರೆಂದು ಹೇಳಿಲ್ಲ. Village Police ನಲ್ಲಿ ಏಪ್ಪು ಜನ ಇರುತ್ತಾರೆಂದು ಹೇಳಿಲ್ಲ. ಸೆಕ್ಷಣ 135 ರಲ್ಲಿ Authority over the village servants ಎಂಬುದರ ಬಗ್ಗೆ ಹೇಳಿದೆ. ಆದರೆ village servants ಆಂದರೆ ಯಾರು ಯಾರು, ಯಾರು ಯಾರಮೇಲೆ ಏನು ಅಧಿಕಾರವಿದೆ

(ಶ್ರೀ ಬಿ. ಎಂ. ಗೌಡ)

ಎಂದು ಹೇಳಿಲ್ಲ. 'The PolicePatel shall have authority to require all village servants to aid him, etc' ಎಂದು ಹೇಳಿದೆ ಅಷ್ಟೆ. ಈ village servants ಎಂಬ ಪದಗಳನ್ನು ವಿಶದೀಕರಿಸುವುದು ಬಹಳ ಮುಖ್ಯ. 138 ರಲ್ಲಿ The District Magistrate or the authorised officer may for misconduct, neglect of duty, etc., impose on any police patel, or member of the village police any of the following punishments ಎಂದು ಹೇಳಿದೆ. ಇಲ್ಲಿಯೂ ಯಾರು ಯಾರು ಈ members ಎಂಬುದನ್ನು ವಿಶದ ಪಡಿಸಬೇಕು, ಇದು ಬಹಳ ಮುಖ್ಯ.

142-143 ಸೆಕ್ಷನ್ನುಗಳಲ್ಲಿ Village Patel ಗೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಮತ್ತು ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದಾರೆ. ನಮ್ಮ ಹಳ್ಳಿಗಳ ವಾತಾವರಣವನ್ನು ನೋಡಿದರೆ ಪಟೇಲನಿಗೆ ಅರೆಸ್ಟ್ ಪವರ್ ಕೊಡಬಹುದೇ ಎನ್ನುತ್ತದೆ. A Police Patel can arrest persons believed to have committed serious offence ಅದೂ ಅಲ್ಲದೆ ಅವನಿಗೆ Power to call and examine witness, record evidence, ಕೊಟ್ಟರೆ ನಮ್ಮಲ್ಲಿ ಎಷ್ಟು village officers ಗೆ, on oath, evidence record ಮಾಡಿ, ಅಪರಾಧವನ್ನು ರುಜುವಾತು ಮಾಡುವ ಶಕ್ತಿ ಇದೆ? ಅದನ್ನು ನಿಷ್ಪಕ್ಷಪಾತವಾಗಿ ಮಾಡಬಲ್ಲನೇ? ಸಾಮಾನ್ಯವಾಗಿ ಪಟೇಲ ಒಂದಲ್ಲ ಒಂದು ಪಾರ್ಟಿಗೆ ಸೇರಿರುತ್ತಾನೆ. ಆದ್ದರಿಂದ ಅರೆಸ್ಟ್ ಮಾಡುವ ಅಧಿಕಾರ ಕೊಡಬಾರದು.

ಶ್ರೀ ಆರ್. ಎಂ. ಪಾಟೀಲ್.—ಈಗಲೂ ಇದೆ. He can take statements.

Sri B. L. GOWDA.—He is not expected to take evidence.

ಶ್ರೀ ಆರ್. ಎಂ. ಪಾಟೀಲ್.—ಇದು improvement. ಬುದ್ಧಿವಂತರಾದ ವಿವೇಕಶಾಲಿಗಳಾದ ಜನ ಇದ್ದಾರೆ ಎಂದು ಹೀಗೆ ಮಾಡಿದೆ.

ಶ್ರೀ ಬಿ. ಎಂ. ಗೌಡ.—ನಮ್ಮಲ್ಲಿ ಇದ್ದಹಾಗೆ ಕಾಣಲಿಲ್ಲ. 145 ನೇ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿನೋಡ್ ಪಟೇಲನಿಗೆ ಕಾಹಿರೆಯಿಂದ ಅಥವಾ ಇನ್ನೇನಾದರೂ ಕಾರಣಗಳಿಂದ ಡ್ಯೂಟಿಮೇಲೆ ಹಾಜರಿರದ ಸಂದರ್ಭ ಒದಗಿದರೆ, ಅವನು ತನ್ನ ಮನೆಯ ಒಬ್ಬ ಮೆಂಬರನ್ನು ಅವನ ಆಫೀಸಿನ ಚಾರ್ಜನ್ಡಬಹುದೆಂದು ಹೇಳಿದೆ. ಹೀಗೆ ತನ್ನ ಮನೆಯವನಿಗೆ ಚಾರ್ಜ್ ಹ್ಯಾಂಡ್ ಒಪರೆ ಮಾಡುವುದು ಸರಿಯಲ್ಲ. ಅನು ವಂತಿಕವಾಗಿ ಬಂದ ಹುದ್ದೆಗಳನ್ನು ರದ್ದುಮಾಡುತ್ತಾ ಇದ್ದೇವೆ. ಆದ್ದರಿಂದ ಅವನ ಮನೆಯವನಾದವರಿಗೆ ಅಧಿಕಾರ ವಹಿಸುವ ಸಂದರ್ಭ ಫುನ: ಬರಬಾರದು, ಅಂಥ ಸಂದರ್ಭಗಳಿಗೆ ಯಾರಿಗೆ ಅಧಿಕಾರ ವಹಿಸಬೇಕೆಂದು ಒಂದು ಪೆನಲ್ ಆಫ್ ನೇಮ್ಸ್ನು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್, ಪೊಲೀಸ್ ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ತಯಾರುಮಾಡಿ, ಅವರ ಪೈಕಿ ಒಬ್ಬರಿಗೆ ಚಾರ್ಜ್ ಕೊಡಿಸಲಿ. ಆ ಪಟೇಲನ ಮನೆಯಲ್ಲಿರುವ ಇನ್ನೊಬ್ಬ ಮನುಷ್ಯನಿಗೆ ಚಾರ್ಜ್ ಕೊಡಿಸಿದರೆ ಬಹಳ ಅನ್ಯಾಯವಾಗುತ್ತದೆ. ಇದು ಒಳ್ಳೆಯ ತತ್ವವಲ್ಲ.

ಒಟ್ಟಿನಲ್ಲಿ ಹೇಳುವುದಾದರೆ, ಈ ಒಂದು ವಿಧೇಯಕದಲ್ಲಿರುವ ಪ್ರಾವಿಷನ್ಗಳೆಲ್ಲಾ ಒಳ್ಳೆಯವೆ. ಅವನ್ನು ಸ್ವಾಗತಿಸುತ್ತಾ, ನಾನು ವಿರೇಜ್ ಪಟೇಲರಿಗೆ ಸೂಚಿಸಿದ ಅಧಿಕಾರವನ್ನು ತೆಗೆದು ಹಾಕುವುದು ಒಳ್ಳೆಯದು ಎಂದು ಹೇಳುತ್ತೇನೆ.

† Sri ANNA RAO GANAMUKHI.—Sir, I welcome the Bill. While enunciating the principles underlying this Bill, the Hon'ble Minister emphasised the importance of Sections 16 to 21. The Hon'ble Minister seems to be feeling diffident about the importance of these clauses as he thinks that they are very important. Of course, they are important in our view also. I am afraid, he is re-emphasising the importance of these clauses and I do not know whether he wants any changes in those clauses. Perhaps, that is the indication of his mind.

I think, the Bill, as it is drafted, is very sound. Except the powers that have been vested with the Divisional Commissioner, the other clauses are perfectly all right. The police administration, as we see, in the

district is under the strict supervision or control of the Deputy Commissioner. This is the only department where the Deputy Commissioner and the Divisional Commissioner are enabled to call for the report, to see the crime position, to know who are all the habitual offenders, to know whether there is any obstruction in holding any meeting. All these will have to be looked into by the Deputy Commissioners of the district. The salutary principle has been incorporated not only in the Bombay Act but also in the Hyderabad Act. Therefore, if the Hon'ble Minister has a mind not to retain these provisions, then, I think, the administration will not run quite efficiently. No doubt, he is heading the Police Department and naturally, he may have the inclination to get as many powers as possible to his subordinates. No doubt, the whole department is under Government. But, there is a tendency in police officers as to why the Deputy Commissioner should call for a report and why he should interfere in the administration of the police department. All these things creep in. Sir, we know that the honour, property and life of the public are in the hands of the police.

6-00 P.M.

If the Police behave and sometimes they do behave in an irresponsible manner, then is it not desirable that the Deputy Commissioner as District Magistrate should exercise some power or other on the District police officials? No doubt, as far as the police administration is concerned, the Police Superintendent is all in all; but the Deputy Commissioner can exercise some very important powers like calling for reports and also under the rules framed by the Government, he will exercise general control. Even in clause 17 of the Bill, it has been mentioned that he may call for reports on matters connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police Officer subordinate to the Superintendent, the utilization of auxiliary means all other matters in furtherance of his control of the Police Force and the maintenance of order. Because, we know the Deputy Commissioner is the head of the district administration itself. In no law, I think, it has been laid down that the Deputy Commissioner may call for reports from any head of the department, excepting the Police and it has been intentional. Government frames rules and under those rules, the Deputy Commissioner will exercise some of the powers.

Sri R. M. PATIL.—Under sub-clause (3) of clause 16:

“In exercising such control, (that is, general control), the District Magistrate shall be governed by such rules and orders as the Government may make in this behalf.”

If the rules are framed mentioning all these things while calling for a report from the head of the department, then clause 17 will be deleted. It will be redundant. By a statute it is not advisable to have the entire control over the police force in the district under the District Magistrate.

Sri ANNA RAO GANAMUKHI.—I disagree because under sub-clause (3) he can exercise powers only to the extent to which he is allowed by the rules framed by Government. So it is left to Government to restrict his powers, but so far as clause 17 is concerned, general powers are mentioned like regulation of assemblies. Should it be left to the Police itself? Should not the Deputy Commissioner who is the head of the district administration, look into the figures as to how many thefts have taken place, how many dacoits have occurred, how many murders were committed and all that? Unless revenue officials look into these matters, I think the Police administration may not improve in the district.

Sri D. PARAMESWARAPPA (Honnali).—I wish to draw the attention of the Minister to this important fact. Since 1947, that is, after the separation of the executive from the judiciary, generally the Civil Judge is designated as the District Magistrate. Now in this Bill we have designated the Deputy Commissioner as district Magistrate. Therefore, some doubt may arise so far as the definition of 'District Magistrate' is concerned. I hope the Honourable Minister will be very precise about the definition.

Sri ANNA RAO GANAMUKHI.—If there is any question, it must be directed to me. In the Bombay Act also, I saw that all these provisions are there. As the Minister said, sub-clause (3) will be redundant. To be on the safe side, we can well retain this provision even if it is redundant. But I think it is not redundant because the Bombay Act itself contains this provision. The Bombay Act says that the District Magistrate will be the head of the Police affairs in the district. I think that has been reduced to some other thing here. Therefore, I think the Deputy Commissioner who is the District Magistrate should be invested with all these powers which have been mentioned in Clause 17 and Clause 18 also. If any transfer is to be effected, if there is an undesirable officer whose transfer is to be effected in the interests of the sound administration of the district, should we not call upon the Superintendent of Police to effect the transfer of that police officer? Representations are always made to the Deputy Commissioner and if at all the Deputy Commissioner is satisfied that there is an undesirable police officer who is terrorising the population or doing anything which is prejudicial to the interests of the people, should he not have the power to see that the transfer of the officer is effected? Even at the instance of members of this House, so many transfers are effected and even cancelled. Then what would be the harm in giving powers to the Deputy Commissioner who will suggest to the Superintendent of Police certain transfer and then he has to comply with his request? That is the only thing which is to be done.

About the powers of the Divisional Commissioner, I think these three clauses are perfectly redundant. When we take the district as the unit, why should we bring within the scope of the Bill the Divisional Commissioner also? The head of the district knows the district very well. Because we have a Divisional Commissioner at Divisional level,

should we invest him with all these powers ? There are so many powers used by the Deputy Commissioner under various Acts. We have not provided for appeals to the Divisional Commissioner from the judgments or the decisions of the Deputy Commissioner of the District. Therefore, because there is a Divisional Commissioner at the divisional level, should he also be invested with all these powers, and it is quite possible that we may abolish the posts of Divisional Commissioners, which obviously are superfluous. Even if they are retained, it is not desirable for the Divisional Commissioner to exercise these powers and these clauses may be deleted.

Sri C. J. MUCKANNAPPA.—Supposing there is an undesirable and unscrupulous Sub-Inspector. If the Deputy Commissioner wants to send him out of the district, who is to do it ? Is it the I. G. P. or the Divisional Commissioner ?

Sri ANNA RAO GANAMUKHI.—There is a provision for the I. G. to make such a transfer. Only he can do it and not the Divisional Commissioner.

These provisions have been incorporated intentionally and decidedly to ensure good and sound administration at the district level. There may be a multiplicity of authority to check and counter-check. The Deputy Commissioner has no powers in respect of other departments functioning in his district but over the Police Department however he has powers of checking. I think the Hon'ble Minister could think of changing this provision. The Bill is to go before the Joint Select Committee and I hope this point would be kept in mind.

Sri R. M. PATIL.—May I presume the Hon'ble Member is in favour of retaining Clauses 17 and 18 but is against Clauses 19, 20 and 21 ?

Sri ANNA RAO GANAMUKHI.—So far as the Divisional Commissioner is concerned, he should not be enabled to exercise any of the powers mentioned here because, as I said, there are many decisions and judgments given by the Deputy Commissioner which go directly to the tribunals and not to the Divisional Commissioner.

Under Clause 28 an appeal against an order passed against a police officer would lie with the Government or any officer appointed by Government. But Section 27 stipulates that the Public Service Commission would have to be consulted before an order is passed imposing penalty. If any penalty has been imposed by the prescribed authority, then before imposing the penalty, he has to consult the Public Service Commission. When the matter comes before Government in the form of appeal or revision, again the Public Service Commission has to be consulted. I feel this is redundant. Or is it the intention of Government that the P. S. C. has to be consulted twice, once by the punishing authority and again by the Government ? Under Section 26, if the Government itself were to pass orders, who would hear the appeal.

[SRI ANNA RAO GANAMUKHI]

I would also like to point out that under the Public Service Commission Consultation Regulations, any consultation with the P. S. C. has to be at the level of Government. The head of a department cannot correspond with the P. S. C. My understanding of the situation is that the P. S. C. would only deal with Government as such. In such a case, the prescribed officer has to write to Government and Government should in its turn refer the case to P. S. C. Therefore it should be decided now whether the consultation should be at the Government's level or otherwise.

In the definition clause, the word Corporation has been meant to include only the Bangalore City Corporation. Probably when the Bill was framed, the Dharwar and Hubli Corporation had not come into existence. That has to be amended. Again under definition (4), the word "district" has been defined to exclude Bangalore City, but since Bangalore has also been made into a district, why should it be excluded from a definition of the district ?

Under Clause 13 every Police Officer below the rank of Sub-Inspector has to obtain a certificate in the form provided in Schedule II. I find that the certificate would have to contain a photograph. Usually, only declared offenders have their photographs affixed and I do not know why such treatment should be meted to police officers. Why is it at all necessary ? He is in the police cadre and there is no need for a certificate with a photograph. Probably this again has been copied from some other act. The Hon'ble. Home Minister would probably clarify why photograph is considered necessary. I can understand photographs being affixed to the certificate of a police officer, temporarily appointed, but not for a regular member of the police force. The clause also states that during the period of suspension of an officer from service the certificate would remain inoperative. Would the certificate also stand suspended ? No powers and functions are mentioned in the certificate and these cannot be suspended. At any rate, I think that this is a welcome measure which is replacing about 19 Acts of various integrated areas. Therefore, I whole heartedly support this Bill excepting the Clause.....

Sri H. R. KESHAVA MURTHY (Gandasi).—What is your opinion regarding the powers of the Divisional Commissioners in this regard as stated in the Bill ?

Sri ANNA RAO GANAMUKHI.—I have sufficiently *made light* on that line. Only the Deputy Commissioner, who knows the District and who is dealing with the Law and Order of the District alone should be invested with these powers and no one else. It would be a multiplicity of authority which, I think, the Hon'ble Minister wants

to avoid. Therefore, I have suggested that the Divisional Commissioners should not have all these powers just as they do not have appellate powers in other matters also. Therefore, Sir, the clauses which I have mentioned should be retained in this Bill as they are because they have incorporated a very good principle and a select principle.

Thank you.

Mr. DEPUTY SPEAKER.—I think the Hon'ble Members want time for preparation. We will rise for the day and re-assemble tomorrow at 1 P.M.

The House adjourned at Twenty-five Minutes past Six of the Clock to meet again at One of the Clock on Wednesday, the 20th February 1963.
